

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF
NEW YORK
BROOKLYN OFFICE

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SARAH H. BLACK and KATHERINE BLACK,
on behalf of her minor children, D.B. and J.B.,

Plaintiffs,

-against-

ANTHONY DAIN, CHERIE WRIGLEY, IRA
SALZMAN, PAMELA KERR, MELISSA
COHENSON, BRIAN A. RAPHAN, P.C.,
ESAUN G. PINTO, and CPI
INVESTIGATIONS,

Defendants.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
16-CV-01238 (CBA) (ST)

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AMON, United States District Judge:

Plaintiffs Sarah H. Black and Katherine Black, on behalf of her minor children D.B. and J.B. ("Plaintiffs") brought this action against defendants Anthony Dain, Cherie Wrigley, Ira Salzman, Pamela Kerr, Melissa Cohenson, Brian A. Raphan, P.C., Esaun Pinto, and CPI Investigations on March 11, 2016 alleging breach of fiduciary duty with respect to assets in trusts stemming from the estate of Renata Black. Plaintiffs seek approval of (1) a settlement agreement between Plaintiffs and defendant Ira Salzman, (E.C.F. Docket Entry ("D.E.") ## 241, 253); and (2) a settlement agreement between Plaintiffs and defendants Melissa Cohenson and Brian A. Raphan, P.C., (D.E. ## 255, 256), under the rules requiring that settlements involving infant plaintiffs be fair and reasonable. Plaintiffs filed motions for approval of the two settlement agreements on June 17, 2020 and June 26, 2020, which were both referred on June 30, 2020 to the Honorable Steven Tiscione, United States Magistrate Judge, for report and recommendation ("R&R"). After reviewing the proposed settlement agreements, Magistrate Judge Tiscione expressed concern about the proposed distribution of the settlement funds to a common trust, the Issue Trust, rather than separate accounts for the benefit of the minor plaintiffs given the ongoing

disputes and litigation concerning the Issue Trust. He ordered the parties to revise the settlement to provide for distribution of the funds to separate accounts to allay these concerns. (See Order dated 7/31/2020.) After Plaintiffs submitted a supplemental declaration responding to Magistrate Judge Tiscione's Order, (D.E. # 262), Magistrate Judge Tiscione requested further information on the proposed disposition of the settlement funds, specifically (1) the amount of funds that were to be deposited to each of the two accounts established for the minor plaintiffs; (2) the name(s) of the person(s) who were to hold and/or manage the accounts during the time that the plaintiffs remained minors; and (3) the account type, (Order dated 8/11/2020). Plaintiffs filed a supplemental declaration answering Magistrate Judge Tiscione's inquiries on August 19, 2020. (D.E. # 263.) On March 9, 2021, Magistrate Judge Tiscione issued a thorough and well-reasoned R&R recommending that Plaintiffs' motions for settlement approval be granted. (D.E. # 270.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the record and, finding no clear error, adopts the R&R. Accordingly, the Court orders that Plaintiffs' motions for settlement approval be granted. The parties will file the fully-executed settlement agreements by April 16, 2021.

SO ORDERED.

Dated: March 25, 2021
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
United States District Judge